

JURISDICTION:

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General Reference:

This chapter summarizes Alabama State statutes related to speed.
Code of Alabama

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. 32-5A-170

Statutory Speed Limit:

- I. 30 MPH in any urban district 32-5A-171(1)
- II. 35 MPH on any unpaved road 32-5A-171(2)(a)
- III. 45 MPH on any county-maintained paved road in an unincorporated area 32-5A-171(2)(b)
- IV. 55 MPH¹ on highways (except interstate highways or highways with 4 or more lanes) 32-5A-171(3)
- V. 70 MPH¹ on interstate highways 32-5A-171(4)
- VI. 65 MPH¹ on a highway with 4 or more lanes 32-5A-171(4)
- VII. 55 MPH¹ for vehicles carrying explosives, flammable liquids or hazardous wastes except as authorized by the governor 32-5A-171(5)

Posted (Maximum) Speed Limit:

- I. Based on engineering and traffic investigations, the State Director of Public Safety and the State Highway Director may increase or decrease the above maximum speed limits on the State highway system.² 32-5A-171(7) & 32-5A-172
- II. Based on engineering and traffic investigations and subject to approval by the State highway department, local governments may increase or decrease the speed limits on the highways under their jurisdiction. 32-5A-173
- II. State or local authorities may set special maximum safe speed limits for either bridges or elevated structures.³ 32-5A-176

Minimum Speed Limit:

- I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. 32-5A-174(a)
- II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 32-5A-80(b)

Basis for a Speed Law Violation:
(continued)

Posted (Minimum) Speed Limit:

A posted minimum speed on a road or highway may be established.

Under 32-5A-171(6), the governor is authorized to change the maximum speed limits in order to allow the State to receive Federal highway construction and maintenance.

This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for factors bearing on safe speeds. 32-5A-172

It appears that 32-5A-176 has replaced 32-5-92 although this later section has not been specifically repealed. Under 32-5-92, State and local officials are authorized to establish maximum safe speed limits for either public bridges, causeways or viaducts. However, this section provides for the following criminal sanctions for a violation of a posted safe speed limit: 1st offense-a jail term of not more than 10 days and/or a fine of not more than \$100; 2nd offense (within 1 year)-a jail term of not more than 20 days and/or a fine of not more than \$200; and, 3rd or subsequent offense (within 1 year)-a jail term of not more than 6 months at hard labor and/or a fine of not more than \$500.

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Such action must be based on engineering and traffic studies. 32-5A-174(b)

Other:

Adjudication of Speed Violations:

Civil/Criminal Adjudication of Violation:
Other:

All Speed Law Violations are Misdemeanors. 32-5A-8(a)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **30 days** Subsequent offense (within 1 year)-Not more than **3 months** 32-5A-8(b)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** Subsequent offense (within 1 year)-Not more than **\$500** 32-5A-8(b)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action
(Susp/Rev):

Suspension via a Point System⁴ which is based on the frequency and seriousness of the traffic offenses. 32-5A-195(k)(2)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** 32-5A-195(m)

Mandatory Minimum Term of

Withdrawal:

None

Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Miscellaneous Sanctions

Not Included Elsewhere:

Court Authorized Licensing Action. In addition to any other sanction for a criminal violation of the traffic laws, the court may issue an order "forbidding" an offender from operating a motor vehicle for

Point System. I. An offender, who accumulates 12 to 14 points in 2 years, is subject to a 60 day suspension. An offender, who accumulates 15 to 17 points in 2 years, is subject to a 90 day suspension. An offender, who accumulates 18 to 20 points in 2 years, is subject to a 120 day suspension. And, an offender, who accumulates ≥ 24 points, is subject to a 365 day suspension. These suspension periods are not mandatory, as the licensing agency may modify them. II. The following points are assigned for moving or speed related offenses: Reckless driving-6 points; speeding in excess of 79 MPH (i.e., ≥ 80 MPH)-5 points; speeding in excess of the posted speed limit-2 points; all other moving violations-2 points. 32-5A-195 & Regulation 760-X-.07

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either a specified period of time or perpetually. An appellate court may modify this order. 32-5-316

Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Misdemeanor 32-5A-8(a) & 32-5A-178(a)

1st offense-5 to 90 days Subsequent offense-10 days to 6 months
32-5A-178(d)

None

1st offense-\$25 to \$500 Subsequent offense-\$50 to \$500 32-5A-178(d)

None

Suspension 32-5A-178(d) & 32-5A-195(k)(8) **Suspension** via the Point System⁴

1st or subsequent offense-6 months 32-5A-178(d) **Suspension** via the Point System-**60 to 365 days**⁴

None

See Court Authorized Licensing Action on p. 2.

Misdemeanor 32-5A-8(a) & 32-5A-190(a)

1st offense-Not more than 90 days Subsequent offense-10 days to 6 months 32-5A-190(b)

None

1st offense-\$25 to \$500 Subsequent offense-\$50 to \$500 32-5A-190(b)

None

1st or subsequent offense-Suspension 32-5A-190(b) **Suspension** via the Point System⁴ However for 3 Offenses (within 1 year)-**Revocation** 32-5A-195(j)(7)

Other Criminal Actions Related to Speeding: (continued)

Reckless Driving: (continued)

Length of Term of License

Withdrawal Action:

Suspension Offenses-Not more than **6 months** 32-5A-190(b)
Suspension via the Point System-**60 to 365 days**⁴ Revocation

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Mandatory Term of License	<u>Offenses</u> -The law does not specify a revocation period. ⁵
Withdrawal Action:	None
Other:	See Court Authorized Licensing Action on p. 2.
<u>Commercial Motor Vehicle (CMV) Operators</u> ⁶ :	
<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. 32-6-49.11(e)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days 32-6-49.11(e)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days 32-6-49.11(e) Important. Under separate provisions of State law, a person, who is disqualified from operating a CMV under Federal Regulations (49 CFR 383.51) because they have committed either 2 serious traffic law violations within 2 years or 3 such violations within 3 years while operating a CMV, also commits a misdemeanor with the following sanctions: Jail for not more than 30 dys and/or a fine of not more than \$2,000. In addition, the court may prohibit the offender from operating a CMV for a period of time specified by the court or perpetually. 2 & 4 of House Bill 725 enacted in 1998 Note: Under Federal Regulations a serious traffic violation is defined to include either speeding ≥15 MPH over the speed limit or reckless driving (49 CFR 383.5)

However, the law does provide that a person's license or driving privileges cannot be suspended for more than 1 year. 32-5A-195(m).

^ a person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with State or Federal laws. 32-6-49.3(5)

^ "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 32-6-49.3(21)